

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DONALD LEE WELSH, JR.,
Plaintiff

v.

LEBANON COUNTY PRISON, et al.,
Defendants

:
:
:
:
:
:
:

No. 1:12-cv-1640

(Judge Kane)
(Magistrate Judge Mehalchick)

ORDER

Before the Court in the above-captioned case is the October 27, 2016 Report and Recommendation of Magistrate Judge Mehalchick. (Doc. No. 116.) No timely objections have been filed. **ACCORDINGLY**, on this 8th day of December 2016, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

1. The Court adopts the Report and Recommendation (Doc. No. 116), of Magistrate Judge Mehalchick;
2. Defendants Rodriguez and Briseno are **DISMISSED** for Plaintiff's failure to timely serve the complaint under Federal Rule of Civil Procedure 4(m);
3. Plaintiff's sixth amended complaint (Doc. No. 90), is **DISMISSED WITH PREJUDICE** as further leave to amend would be futile; and
4. The Clerk of Court is directed to close the above-captioned case.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania